

**Amendments to the Drawings:**

The attached drawing sheet includes a change to Fig. 7. This sheet, which includes Figs. 6 and 7, replaces the original sheet including Figs. 6 and 7. In Fig 7, reference numeral “66” has been replaced with reference numeral “68” to avoid duplication with reference numeral “66” in Fig. 6. No new matter is added by this change.

Attachment: Replacement sheet

## **REMARKS**

Reconsideration of the above-identified application in view of the amendment above and the remarks below is respectfully requested.

Claims 2, 16 and 17 have been canceled in this paper. Claims 1, 3-15 and 18-19 have been amended in this paper. New claim 20 has been added in this paper. Therefore, claims 1, 3-15, 18-20 are pending and are under active consideration.

In the outstanding Office Action, the Patent Office indicates that the “information disclosure statement filed 5/11/2006 fails to comply with 37 CFR 1.98(a)(2)” for the stated reason that “[n]o copy of DE 2535980 A has been received.”

In response to the above, Applicants are submitting herewith a Supplemental Information Disclosure Statement, in which a copy of the document in question is enclosed. Applicants respectfully request that, in view of this submission, the Patent Office now consider the document in question and evidence such consideration by making an appropriate notation on the enclosed Form PTO/SB/08A.

The drawings stand objected to under 37 CFR 1.83(a) for the following stated reason:

The drawings must show every feature of the invention specified in the claims. Therefore, the “bore holes which are arranged to extend obliquely downward when viewed from outside to inside” of Claim 17 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Without acquiescing in the propriety of the rejection, Applicants note that claim 17 has been canceled in this paper. Therefore, the objection is moot and should be withdrawn.

Claims 1-19 stand rejected under 35 U.S.C. 112, second paragraph, “as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.” In support of the rejection, the Patent Office states the following:

Claim 1 recites the phrase “comprise near their front sides a transverse recess each for the contoured element positioned opposite from them in the cross bond.”

This phrase is not completely understood. The contoured element contains several recesses, and it is not clear as to which recess this claim is trying to describe. Also, the terms “them” and “each” seem to describe a plurality of something, which is not carefully described in the claim. The examiner will assume this limitation to be the longitudinal recess connecting vertically adjacent contoured elements.

Claims 2-5 recite the term “intermittent part.” Intermittent is understood to mean a random, non uniform interval. Therefore, an “intermittent part” is not understood. This is understood to mean this “part” would not connect between every contoured element and corner-forming element, but between random associated pieces. The examiner is assuming the applicant to have meant to written “intermediate part.”

Claims 3-5 recite the limitation “intermittent part.” There is insufficient antecedent basis for this limitation in the claims when the claims depend from claim 1 as claim 1 does not recite a “intermittent part.”

Claim 17; The phrase “obliquely downward” is not understood in context of the Drawings and Specification. The specification describes these holes to be arranged diagonal not obliquely downward. It is not understood how the bores would facilitate attachment to a rear wall surface being obliquely arranged downward.

Claims 7, 13 and 14 recite the phrase “preferably” renders the claim indefinite because it is unclear whether the limitations

following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 18 recites the limitation “the transition area.” There is insufficient antecedent basis for this limitation in the claims.

Insofar as the subject rejection relates to claims 2, 16 and 17, the rejection is moot in view of Applicants’ cancellation of these claims in this paper. Insofar as the subject rejection relates to claims 1, 3-15 and 18-19, Applicants respectfully traverse the subject rejection.

To the extent that the subject rejection is predicated on claim 1 reciting the phrase “comprise near their front sides a transverse recess each for the contoured element positioned opposite from them in the cross bond,” Applicants have amended claim 1 to make the language in question more clear.

To the extent that the subject rejection is predicated on claims 2-5 reciting the term “intermittent part” or “the intermittent part,” Applicants note that the language in question is no longer recited.

To the extent that the subject rejection is predicated on claims 7, 13 and 14 reciting the term “preferably,” Applicants note that this term is no longer recited.

To the extent that the subject rejection is predicated on an alleged lack of antecedent basis in claim 18 for “the transition area,” Applicants have amended claim 18 to obviate this issue.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 1, 7-8, and 13-15 stand rejected under 35 U.S.C. 102(b) “as being anticipated by Ellison (US 6,199,332).” In support of the rejection, the Patent Office states the following:

Claim 1; Ellson discloses a log-cabin type façade (10) with at least one elongated contoured element (22), which are arranged over each other (Fig. 1), with corner-forming elements (20) that are assigned to the contoured elements (Fig. 2) and are arranged in the form of stumps (Fig. 2) reaching over each other in a cross bond (Fig. 1), whereby the contoured elements and the corner-forming elements jointly take on the appearance of a massive blockhouse-type building mode (12, Fig. 1), characterized in that the contoured elements are designed to be mirror-symmetrical in their longitudinal extension (Mirror symmetry as seen in Fig. 1) and comprise near their front sides a recess (Lowest portion of elements 22, recess shown on underside for vertically adjacent stacking, in Fig. 2); the corner-forming elements are designed in the form of round wood stumps (Fig. 2) with a cut surface (27) that forms an end surface and comprise, on the opposite side, a first planar attachment surface (End of 36 in Fig. 2) and, adjacent to this and adapted to an external side of the crossing contoured element and corner-forming element a second attachment surface (32a or 32b); and the contoured elements and the corner-forming elements provide a building kit (Assembly of kit, Fig. 1).

Claim 7; Ellson discloses the contoured element is designed as a semi-circular contour (Fig. 1) as seen in a cross-section that comprises a circular external side (External side of Fig. 1) imitating a tree trunk (See wood grain on external side) and an attachment surface (24) that is planar at least in part (Fig. 2) and comprises a recess (Recess on underside of rear side used for attachment of a vertically adjacent contoured element).

Claim 8; Ellson discloses on the contoured element a tongue (Projection of uppermost part of 22 in Fig. 2) on an upper section, and on the opposite bottom side, a complimentary groove (Recess on underside of rear side used for attachment of a vertically adjacent contoured element).

Claim 13; Ellson discloses the corner-forming element consists of a round body (Fig. 1) that comprises on a bottom side (Bottom half portion of Fig. 1) thereof a concave surface (32b, Fig. 2) whose radius of curvature preferably corresponds to the radius of the corner-forming element (Fig. 1).

Claim 14; Ellson discloses a planar cut surface (27) is designed as the end surface of a trunk on a front side of the corner-forming element and in that the opposite front side, as seen in the lateral view, comprises in an upper half thereof a planar attachment surface (End of 36 in Fig. 2 shown on upper half of corner piece) that verges into a second attachment surface (32b) that is formed by a circle segment-shaped milled recess (32b) whose radius of curvature preferably corresponds to the radius of the corner-forming element (As seen assembled in Fig. 1).

Claim 15; Ellson discloses a recess (32b) between a first attachment surface (End of 36 in Fig. 2 shown on upper half of corner piece) and a second attachment surface (27) of the corner forming element.

Applicants respectfully traverse the subject rejection. Ellson, like the present invention, is directed at a building kit for a log façade. However, unlike the present invention, Ellson does not teach or suggest a transverse recess provided in the contoured elements to permit the contoured elements to be connected to each other to form a cross bond. Due to this feature in the present invention, a different connection for contoured elements is made possible. The contoured elements can be secured to each other in the cross bond and, therefore, enable one to build an **external** corner, as well as an **internal** corner. This is not possible in Ellson nor is it taught or suggested by Ellson.

The comment made by the Patent Office with respect to Ellson, namely, that the lowest portion of element 22 shows a recess on its underside for vertically adjacent stacking, is different from the present invention and does not have the function of enabling a cross bond and forming a corner. Furthermore, the recess of Ellson is not a transverse recess, but rather, is a longitudinal recess. Moreover, this recess is only used to stack one element 24 over the other. It is not possible to engage with a further contoured element positioned opposite from them for building the cross

bond. Due to that, Ellson discloses a different kind of construction without having a transverse recess as one is used in and claimed for the present invention.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claims 2 and 16 stand rejected under 35 U.S.C. 102(b) “as being anticipated by Felser (US 4,592,182).”

Without acquiescing in the propriety of the rejection, Applicants note that claims 2 and 16 have been canceled in this paper. Therefore, the rejection is moot and should be withdrawn.

Claims 3-6, 11 and 17 stand rejected under 35 U.S.C. 103(a) “as being unpatentable over Felser (US 4,592,182) in view of Baker (US 6,363,672).” In support of the rejection, the Patent Office states the following:

Claims 3-6, 11 and 17; Felser does not expressly disclose the contoured elements, the corner-forming elements, and the intermittent parts are connected to each other by means of plug-in connection elements or at least two plug-in connection elements are provided at each site of connection between the contoured elements, the corner-forming elements, and the intermittent parts or at least two bore holes for receiving the plug-in connection elements are provided at each site of connection of the contoured element and the intermittent part or the corner-forming elements each comprise in a left and right section of the first attachment surface at least two bore holes for receiving the plug-in connection elements or bore holes are provided in the planar attachment surface of the contoured element or bore holes that are provided in the form of through bore holes for receiving plug-in connection elements in the intermediate part.

Baker discloses contour elements (15, 15b, 15c, 15d) connected to corner forming elements (30a, 30b, 30c, 30d, 30e) connected to each other via grooves (28 and 38) and a pin (25) for the purpose of connecting, stabilizing, and otherwise attaching horizontal contour elements to corner forming elements.

At the time of the invention it would have been obvious to a person having ordinary skill in the art to try and provide the façade system of Felser, barring any unpredictable results, with the contoured elements, the corner-forming elements, and the intermittent parts are connected to each other by means of plug-in connection element and at least two plug-in connection elements are provided at each site of connection between the contoured elements, the corner-forming elements, and the intermittent parts and at least two bore holes for receiving the plug-in connection elements are provided at each site of connection of the contoured element and the intermittent part and the corner-forming elements each comprise in a left and right section of the first attachment surface at least two bore holes for receiving the plug-in connection elements and bore holes are provided in the planar attachment surface of the contoured element and bore holes that are provided in the form of through bore holes for receiving plug-in connection elements in the intermediate part, since it is shown to be known in the art to use these connections as taught by Baker, in order to connect, stabilize, and otherwise attach the contoured elements, corner-forming elements and intermediate parts to securely form a corner assembly.

Insofar as the subject rejection relates to claim 17, the rejection is moot in view of Applicants' cancellation of claim 17 in this paper. Insofar as the subject rejection relates to claims 3-6 and 11, Applicants respectfully traverse the subject rejection.

Felser does show a cornering system for buildings, but the system of Felser differs in construction and uses more assembly parts for providing a corner than does the present invention. For example, as is shown on sheet 2 of 3 of the drawings, Felser uses extended portions 10, which are provided with ridges 22. These ridges, however, are removed back to a point where they do not interfere with a block 16 on the next higher layer (see Felser at col. 2, lines 60-64). Additionally used is a block 16, which, together with the extended portions, builds the corner forming element. Furthermore, a filler element 24 is needed. This means that, for building a corner, three different



elements are used. None of them shows a recess that is transversed for the contoured element to build a cross bond. However, it is necessary to use nails, as shown in Fig. 7, to build the cross bond, such nails being visible on the external side of the façade. Furthermore, Felser does not teach or suggest plug-in connection elements. Instead, Felser only shows filler elements 24 without having the function of plug-in connection elements.

Baker discloses a log home construction that uses, as shown in Figs. 4 and 5 therein, logs 20 and 30, which have essentially circular cross-sectional areas (see Baker at col. 2, lines 56-57). These logs are positioned one above the other to build a wall, and there is not provided a construction for a log cabin-type façade. Also, the corners are different in building as, for example, shown in Fig. 4 therein, where the log and posts are connected by a spline 25, and none of the elements engage each other for building a cross bond. Baker refers only to providing a log building by using horizontal logs or vertical posts for minimal settling to decrease the maintenance needed on the building. However, there is not proposed the building up of a log cabin-type façade for cladding walls. Therefore, Baker shows a different type of construction.

Due, at least in part, to the fact that Felser and Baker are directed at different types of structures, a person of ordinary skill in the art would not have been motivated to combine the façade construction of Felser with a full wooden log cabin construction of Baker.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claim 9 stands rejected under 35 U.S.C. 103(a) “as being unpatentable over Felser (US 4,592,182) in view of Collister, Jr. (US 4,279,108).” In support of the rejection, the Patent Office states the following:

Felser discloses an external side (External side of Fig. 1) and a groove (Recess on underside of rear side used for attachment of a vertically adjacent contoured element) of the contoured element, but does not expressly disclose a fin surface provided there between on the bottom side of the contoured element, whereby said fin surface and a contoured element that is assigned to and positioned adjacent to the fin surface form an overlapping area.

Collister, Jr. discloses contoured elements (10 and 20) stacked vertically adjacent comprising a tongue (12) and groove (16) connection, and a fin surface (Lowest surface which contacts shoulders on either side of tongue 14 in Fig. 4) between the external surface (Left side front surface of Fig. 4) and the groove (16), whereby the fin surface and adjacent contoured element are positioned to form an overlapping area (Area in groove where adjacent contoured elements overlap) for the purpose of upon insertion into a rectilinear groove elongated expansion chambers will be defined to halt the propagation of drafts between the mating surfaces of adjacent log.

At the time of the invention it would have been obvious to a person having ordinary skill in the art to try and provide the façade system of Felser, with a fin surface provided there between on the bottom side of the contoured element, whereby said fin surface and a contoured element that is assigned to and positioned adjacent to the fin surface form an overlapping area, as taught by Collister, Jr., since it has been shown that it is known in the art to form a fin surface for contacting vertically adjacent contoured elements, in order to halt the propagation of drafts between the mating surfaces of adjacent log.

Applicants respectfully traverse the subject rejection. Claim 9 is directed, at least in part, to an overlapping area built by the fin surface, which is positioned between an external side and a groove.

First of all, the two documents being relied upon by the Patent Office would not have been combined by a person of ordinary skill in the art because Felser relates to a log cabin-type façade and Collister, Jr. relates to a log building with logs having circular cross-section. Consequently, a person of ordinary skill in the art would have only considered constructions like that disclosed by Felser because he would have wanted to avoid the huge cost that would have been associated with full-sized wooden logs.

Moreover, even if a person of ordinary skill in the art would have combined Felser and Collister, Jr., he would not have had any idea for providing an overlapping area between the groove and external side of the contoured elements. The elongated member 10 according to Felser has between the groove 20 and the outer side a horizontal fin surface, which will be positioned adjacent to the elongated member beneath. The same is the case for Collister, Jr. The surface 36 of the groove according to Fig. 1 of Collister, Jr. and the external side of the log 30 are connected by a horizontal surface, which lays on a further horizontal fin surface of the log 20. Therefore, there is not shown an overlapping area, as in the case of claim 9. This overlapping area 33 according to the present invention is, for example, shown in Fig. 2b and has the advantage of giving the façade a more massive log cabin building mode character. Further, it prevents the penetration of moisture. This, however, is done by Collister, Jr. by adding sealing or form gasket strip 62 as shown in Fig. 1.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claim 18 stands rejected under 35 U.S.C. 103(a) “as being unpatentable over Felser (US 4,592,182) in view of Hoffner (US 5,586,422).” In support of the rejection, the Patent Office states the following:

Felser does not expressly disclose in that the contoured element comprises bore holes in the transition area between the external side and the tongue, which bore holes are arranged to extend diagonally downward when viewed from outside to inside.

Hoffner discloses bore holes (211) displaced in a contoured element (21) arranged in a transition area (23) between an exterior surface (22) and an upper attachment feature (25) for the purpose of securing the contoured member to a sidewall with the use of fasteners (54).

At the time of the invention it would have been obvious to a person having ordinary skill in the art to try and provide the contoured elements of Felser, barring any unpredicated results, with bore holes in the transition area between the external side and the tongue, since Hoffner has taught that it is known in the art to do so in order to secure the contoured members to a wall portion.

Felser, as modified above, does not expressly disclose said bore holes arranged to extend diagonally downward when viewed from outside to inside. At the time of the invention it would have been obvious to a person having ordinary skill in the art to try and modify the angle of the bore holes of Felser, as modified above, to extend diagonally downward, in order to securely attach the contoured elements to a wall surface at an angle which corresponds to a certain application, since it is known in the art to modify the angle of a fastener to more securely anchor or engage the member being secured to a wall structure.

Applicants respectfully traverse the subject rejection. Felser is discussed above. Hoffner refers to a log illusion vinyl log siding. This façade comprises plastic materials imitating the log

structure. Therefore, it is provided a sliding member as a half-shell made of plastic. For connecting those siding members 21, the specific fastening members and sections 26 and 27 are provided, which are totally different from the present invention. Also, Hoffner does not show how to build a cross bond.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

Claim 19 stands rejected under 35 U.S.C. 103(a) “as being unpatentable over Felser (US 4,592,182) or Ellson (US 6,199,332).” In support of the rejection, the Patent Office states the following:

Neither Felser nor Ellson disclose the contoured elements, the corner-forming elements, and the intermittent parts are designed to be made from the wood of larch trees or Douglas firs for external areas and from the wood of pine trees, oak trees, northern firs, cedars, hemlock firs or as imitation wood for internal areas.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to try and manufacture the contoured elements, the corner-forming elements, and the intermittent parts are designed to be made from the wood of larch trees or Douglas firs for external areas and from the wood of pine trees, oak trees, northern firs, cedars, hemlock firs or as imitation wood for internal areas, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

*In re Leshin*, 125 USPQ 416.

Applicants respectfully traverse the subject rejection. Claim 19 depends from claim 1. Claim 1 is patentable over Ellson for at least the reasons given above. Therefore, based at least on its dependency from claim 1, claim 19 is patentable over Ellson. Furthermore, claim 19 is also

patentable over Felser for at least the reason that Felser does not teach or suggest the claimed transverse recess.

Accordingly, for at least the above reasons, the subject rejection should be withdrawn.

In the outstanding Office Action, the Patent Office states that “[c]laims 10 and 12 would appear to be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.”

In response to this apparent objection, Applicants respectfully traverse. The objection appears to be predicated on claims 10 and 12 being dependent from a rejected base claim. However, as explained above, claim 1 is allowable. Therefore, the objection should be withdrawn.

Claim 20 has been added in this paper. Support for this claim may be found, for example, on page 3, fifth paragraph, and on page 9, second paragraph, of the present specification. Claim 20 depends from claim 3 and is patentable for at least the same reasons as claim 3.

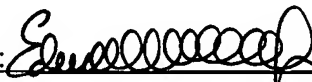
It is respectfully submitted that the present application is in condition for allowance. Prompt and favorable action is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is

required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

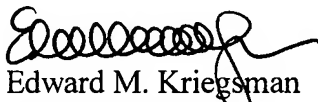
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 20, 2009

  
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